

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

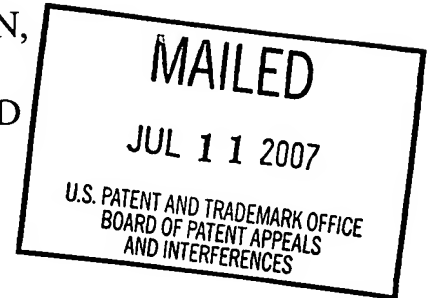
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*Ex parte* CRAIG S. GITTLEMAN,  
WILLIAM SCOT APPEL,  
DAVID PHILLIP WINTER AND  
BRIAN KENNETH SWARD

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Application 10/706,320  
Appeal No. 2007-2186

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ORDER REMANDING APPEAL TO EXAMINER

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This application was electronically received at the Board of Patent Appeals and Interferences on January 31, 2007. A docketing notice was mailed and Appeal No. 2007-2186 was assigned on April 26, 2007. A review of the application has revealed that the application was not ready for an appeal. Accordingly, the application is herewith being remanded to the Examiner. The matter requiring attention is identified below.

The statements of the Grounds of Rejection in the Examiner's Answer mailed October 23, 2006 is improper. The statements "[t]his rejection is fully set forth in the prior non-final Office action mailed ..." is not in compliance in accordance with the Manual of Patent Examining Procedures (MPEP) § 1207.02 states in part "[a]n examiner's answer should not refer, either directly or indirectly, to any prior Office action without fully restating the point relied on in the answer."

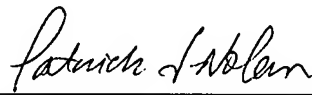
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Appropriate correction is necessary.

Accordingly, it is

**ORDERED** that the application is remanded to the examiner to give a proper explanation of the ground of rejection and for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By:   
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